

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 TYRONE NOEL NUNN,

Case No. 2:24-cv-02245-GMN-MDC

4 Plaintiff

ORDER

5 v.

6 NDOC, et al.,

7 Defendants

8

9 On December 5, 2024, pro se plaintiff Tyrone Noel Nunn, an inmate in the custody
10 of the Nevada Department of Corrections, submitted a complaint under 42 U.S.C. § 1983.
11 (ECF No. 1-1). There are a couple of errors with Plaintiff's filing. First, Plaintiff did not use
12 the complaint form provided by this Court. Second, Plaintiff did not pay the full \$405 filing
13 fee for this matter or file an application to proceed *in forma pauperis*. (See ECF No. 1).

14 **I. DISCUSSION**

15 **A. Filing Fee**

16 The United States District Court for the District of Nevada must collect filing fees
17 from parties initiating civil actions. 28 U.S.C. § 1914(a). As of December 1, 2023, the fee
18 for filing a civil-rights action is \$405, which includes the \$350 filing fee and the \$55
19 administrative fee. See 28 U.S.C. § 1914(b). "Any person who is unable to prepay the
20 fees in a civil case may apply to the court for leave to proceed *in forma pauperis*." Nev.
21 Loc. R. Prac. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate
22 must submit **all three** of the following documents to the Court: (1) a completed
23 **Application to Proceed *in Forma Pauperis* for Inmate**, which is pages 1–3 of the
24 Court's approved form, that is properly signed by the inmate twice on page 3; (2) a
25 completed **Financial Certificate**, which is page 4 of the Court's approved form, that is
26 properly signed by both the inmate and a prison or jail official; and (3) a copy of the
27 **inmate's prison or jail trust fund account statement for the previous six-month**
28 **period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. R. Prac. LSR 1-2. *In forma pauperis*

1 status does not relieve an inmate of his or her obligation to pay the filing fee, it just means
2 that the inmate can pay the fee in installments. See 28 U.S.C. § 1915(b).

3 **B. Complaint Form**

4 Under the local rules, a pro se plaintiff must file a civil rights complaint on the form
5 provided by this Court or it must be legible and contain substantially all the information
6 called for by the Court's form. See Nev. Loc. R. Prac. LSR 2-1. Plaintiff's civil rights
7 complaint is neither on this Court's form and does not appear to contain the information
8 called for by this Court's form. (See ECF No. 1-1). Plaintiff must file a complaint on this
9 Court's approved form.

10 **II. CONCLUSION**

11 It is therefore ordered that Plaintiff has **until February 7, 2025**, to accomplish the
12 following two items:

13 1) File his complaint using the correct form for federal court.
14 2) Either pay the full \$405 filing fee or file a fully complete application to
15 proceed *in forma pauperis* with all three of the following required documents:

- 16 (i) a completed application with the inmate's two signatures on page 3,
17 (ii) a completed financial certificate that is signed both by the inmate and
18 the prison or jail official, and
19 (iii) a copy of the inmate's trust fund account statement for the previous six-
20 month period.

21 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
22 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff
23 to refile the case with the Court, under a new case number, when Plaintiff can file a
24 complete application to proceed *in forma pauperis* or pay the required filing fee.

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The Clerk of the Court is directed to send Plaintiff: (1) this Court's approved 42 U.S.C. § 1983 complaint form with instructions, and (2) this Court's approved form application to proceed *in forma pauperis* for an inmate with instructions.

DATED: December 9, 2024

UNITED STATES MAGISTRATE JUDGE